

# United States District Court

## EASTERN DISTRICT OF WISCONSIN

METROPOLITAN MILWAUKEE  
ASSOCIATION OF COMMERCE,  
WISCONSIN MANUFACTURERS  
& COMMERCE,

Plaintiffs,  
v.

**JUDGMENT IN A CIVIL CASE**  
Case No. 10-C-0760

JAMES E. DOYLE, JR.,  
ROBERTA GASSMAN,

Defendants.

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This action came before the court on a stipulation and a decision has been rendered. Now, therefore,

IT IS ORDERED, ADJUDGED and DECREED that the Wisconsin Fair Employment Act (WFEA) as amended by 2009 Wisconsin Act 290, to the extent that it makes it unlawful for an employer within the meaning of the NLRA, see 29 U.S.C. §§ 152(2), (6), and (7), 159(c) and 160(a), to discharge or otherwise discriminate against an employee, or to threaten to discharge or otherwise discriminate against an employee, because the employee declines to attend a meeting or to participate in any communication about the decision to join or not to join, or to support or not to support, any labor organization," see Wis. Stat. §§ 111.32(12j), 111.32(2r), 111.321, 111.322, and 111.365(1) (2009), is preempted by the NLRA under the Supremacy Clause of the United States Constitution, see U.S. Const. art. VI.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the DWD and other Wisconsin state agencies, and their employees are permanently enjoined from enforcing or seeking to enforce the amended WFEA insofar as the amended WFEA makes it unlawful for an employer within the meaning of the NLRA, see 29 U.S.C. §§ 152(2), (6), and (7), 159(c) and 160(a), to discharge or otherwise discriminate against an employee, or to threaten to discharge or otherwise discriminate against an employee, because the employee declines to attend a meeting or to participate in any communication about the decision to join or not to join, or to support or not to support, any labor organization," see Wis. Stat. §§ 111.32(12j), 111.32(2r), 111.321, 111.322, and 111.36(1) (2009).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiffs are entitled to their costs and attorney's fees in the amount of \$18,480.00, pursuant to 42 U.S.C. § 1988.

APPROVED: s/ C. N. CLEVERT, JR.  
C. N. CLEVERT, JR.  
Chief U. S. District Judge

11/15/10  
Date

JON W. SANFILIPPO

Clerk

s/C. Fehrenbach  
(By) Deputy Clerk